

Panaji, 03rd April, 2025 (Chaitra 13, 1947)

SERIES II No. 1

OFFICIAL GAZETTE GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note: There are three Extraordinary issues to the Official Gazette Series II No. 52 dated 27-03-2025 as follows:-

- 1. Extraordinary dated 29-03-2025 from pages 1249 to 1252 regarding Circular from Department of Finance.*
- 2. Extraordinary (No. 2) dated 1-04-2025 from pages 1253 to 1254 regarding Order and Notification from Goa State Election Commission.*
- 3. Extraordinary (No. 3) dated 2-04-2025 from pages 1255 to 1256 regarding Form-I from Department of Panchayati Raj and Community Development.*

GOVERNMENT OF GOA

Department of Cooperation

Order

9/34/2018/HSG/TS-II/SZ/RCS/4364

Date: 28-Feb-2025

{Under Section 126A of the Goa Cooperative Societies Act, 2001 (Goa Act No. 36 of 2001)}

Whereas The Sapana City Coop. Housing Maintenance Society Ltd; Aquem, Margao-Goa, was registered on 09/03/2018 under Code Symbol/registration no. (Reg. No. HSG-(d)-1088/South Goa/2018) and is having as on date, total membership of 253 {hereafter referred as “said Society” or as “Society”}.

And whereas, for the reason that the Annual General Body Meeting of the said society was not convened for three years out of five preceding year, the Assistant Registrar of Cooperative Societies (ARCS) South Zone, Margao, Goa vide letter dated 17/07/2024 requested to grant exemption to the society from the applicability of the provisions of Section 60(3)(b) of the Goa Cooperative Societies Act, 2001 (Goa Act No. 36 of 2001) {hereafter referred to as “said Act” or as “Act”} by invoking powers under Section 126 A of the said Act, so as to successfully conduct the elections to the Board of Directors of the said society in a smooth manner and hand over the charge to the democratically elected Board of the society. The strength of the Board of the said Society consists of 15 (fifteen) Directors i.e. 12 (twelve) from the General Category, 2 (two) from Women Category and 1 (one) from SC or ST Category.

And whereas as per the Circular no. 15-11-2017/RCS/2470 dated 01/08/2019 issued by Registrar of Cooperative Societies (RCS), under Clause “a” it has been specifically instructed that “*The Exemption to Section 60(3)(b) of the Act shall be proposed only when management of the society has not convened at least three Annual General Body meeting for the five years preceding the date of election, due to which the eligibility criteria of having attended at least three Annual General Body meetings of the society during the period of five years preceding the election cannot be fulfilled from the applicability of above referred Section and a fresh date of election should be fixed instead of resorting to appoint the members on the Board by invoking the provisions of Section 67A of the Act*”.

And whereas, as stated above, the said society has failed to convene its general body meetings in accordance with the provisions of the Goa Cooperative Societies Act, 2001, as a result at which, the members

are not becoming eligible to contest in terms of Section 60(3)(b) of the said Act. Consequentially, the election process for bringing on Board the democratically elected members cannot be initiated.

In view of above, and in exercise of the powers vested under section 126A of the Goa Cooperative Societies Act, 2001 (Goa Act No. 36 of 2001), the Government of Goa is pleased to exempt The Sapana City Coop. Housing Maintenance Society Ltd; Aquem, Margao-Goa from the applicability of provisions of Clause (b) of sub-section (3) of Section 60 of the said Act for the term 2025-2030.

By Order and in the name of Governor of Goa

Kabir K. Shirgaonkar, Registrar of Cooperative Societies & Ex-Officio Joint Secretary
(Co-operation).

◆

Order

60/188/MOC/SCDC-DCDC/W-II/HO/RCS/Vol.I/4604

Date: 13-Mar-2025

Vide letter read as above, a State-level Committee named “IYC – State Apex Committee (SAC)” requires to be constituted for implementation of activities at State-level during International Year of Cooperative – 2025 (IYC – 2025). The Committee shall be responsible for monitoring, supervising, supporting and providing guidance at State-level programs to be organized by SCDC to ensure the effective implementation of planned events and initiatives and also to execute and coordinate with the National Level Programs.

Accordingly, Government is pleased to constitute “IYC – State Apex Committee (SAC)” for the State of Goa as under.

1.	Hon’ble Chief Minister, Govt. of Goa	Chairman
2.	Hon’ble Minister for Cooperation, Govt. of Goa	Member
3.	Hon’ble Minister for Agriculture, Govt. of Goa	Member
4.	Hon’ble Minister for Fisheries and Animal Husbandry & Veterinary Services, Govt. of Goa	Member
5.	Hon’ble Minister for Civil Supplies & Consumer Affairs, Govt. of Goa	Member
6.	Hon’ble Minister for Rural Development, Govt. of Goa	Member
7.	Hon’ble Minister for Urban Development, Govt. of Goa	Member
8.	Hon’ble Minister for Panchayats, Govt. of Goa	Member
9.	Hon’ble Minister for Information & Publicity, Govt. of Goa	Member
10.	Chief Secretary, Govt. of Goa	Member Convener
11.	Secretary (Cooperation), Govt. of Goa	Member
12.	Secretary (Agriculture), Govt. of Goa	Member
13.	Secretary (Civil Supplies and Printing & Stationery), Govt. of Goa	Member
14.	Secretary (Fisheries and Animal Husbandry & Veterinary Services), Govt. of Goa	Member
15.	Secretary (Rural Development), Govt. of Goa	Member
16.	Additional Secretary (Finance), Govt. of Goa	Member
17.	Joint Secretary (Revenue), Govt. of Goa	Member

18.	Registrar of Cooperative Societies, Govt. of Goa	Member
19.	General Manager, National Bank for Agriculture & Rural Development (NABARD), Goa Regional Office	Member
20.	Regional Director, National Cooperative Development Corporation (NCDC), Pune	Member
21.	Representative from National Dairy Development Board (NDDB)	Member
22.	Representative from National Fisheries Development Board (NFDB)	Member
23.	Chairman, The Goa State Cooperative Bank Ltd., Panaji, Goa	Member
24.	Chairman, Goa Bagayatdar Sahakari Kharedi Vikri Sauntha Maryadit, Ponda, Goa	Member
25.	Chairman, The Goa State Cooperative Milk Producers' Union Ltd., Curti, Ponda, Goa	Member

The role and responsibilities of IYC – State Apex Committee (SAC) are as under:

1. To monitor, supervise, support and provide guidance in State-level programs to be organised by SCDC to ensure the effective implementation of planned events and initiatives and also to execute and coordinate with the National Level Programs;
2. To get prepared a comprehensive media plan for wide dissemination of the information on activities conducted throughout the year and to share research and success stories related to cooperatives through all types of media;
3. To organize Cooperative Festivals at the State to celebrate and promote the spirit of cooperatives, showcasing their achievements and contribution to sustainable development;
4. To provide continuous directions, suggestions and evaluation to the SCDC on monthly progress report on the activities done and submit to Convenor to place before the National Execution Committee;
5. To hold meetings quarterly;
6. Any other related matters.

This Committee shall function from the date of its constitution till 31st December 2025.

By Order and in the name of Governor of Goa.

Kabir K. Shirgoankar, Registrar of Cooperative Societies, Government of Goa, Panaji, Goa.

Order

3/8/Urban Credit/TS-III/QZ/2020/RCS/4701

Date: 20-Mar-2025

- Read:
1. No. Circular No. 6-13/81/EST/RCS/Part V/5833 dated 06-Mar-2020.
 2. No. Order No. 48-8-2001/TS/RCS/IV/5400 dated 17-Feb-2020.
 3. No. Order No. 3/8/Urban Credit/TS-III/QZ/2020/RCS/3220 dated 06-Jan-2022.
 4. No. Order No. 3/8/Urban Credit/TS-III/QZ/2020/RCS/102 dated 12-Apr-2023.
 5. No. Order No. 3/8/Urban Credit/TS-III/QZ/2020/RCS/1094 dated 05-Jul-2024.
 6. No. Letter No. 2-1-2012/ARQZ/URBAN/Vol-III/1366 dated 03-Feb-2025.

Whereas vide Order read at Sr. no. 2 above issued by the Registrar of Cooperative Societies u/s. 86 (1) of the Goa Cooperative Societies Act, 2001 read with Rule 116 (1) of the Goa Co-operative Societies Rules, 2003, Adv. Ramchandra alias Vinod M. Dessai, having office at C/o. M. R. Dessai, H. No. 233, Islampur, Baina, Vasco-da-Gama, Goa was appointed as the Registrar's Nominee for deciding the disputes arising in any of the Cooperative Societies referred to him by the Registrar of Cooperative Societies/Asst. Registrars of Cooperative Societies.

And whereas, vide Order read at Sr. no. 5 above, Adv. Ramchandra alias Vinod M. Dessai was appointed as the dedicated Registrar's Nominee thereby authorizing him to entertain and decide all the disputes submitted to him directly by The Quepem-Urban Multipurpose Cooperative Society Ltd, Quepem Goa without routing it through this Office. The said authorization was initially for a period of one year w.e.f. 06/01/2024 to 05/01/2025.

And whereas, vide letter no.2-1-2012/ARQZ/URBAN/VoL-III/1366 dated 03/02/2025 read at Sr. no. 6 above, the Asstt. Registrar of Cooperative Societies, Quepem Zone, Quepem Goa has submitted the request letter received from the General Manager of the Quepem-Urban Multipurpose Cooperative Society Ltd., Quepem Goa for extending said authorization.

Now therefore, in exercise of powers conferred under Section 123B of the Goa Cooperative Societies Act, 2001, I, the Registrar of Cooperative Societies hereby extend the authorization of Adv. Ramchandra alias Vinod M. Dessai as dedicated Registrar's Nominee for The Quepem-Urban Multipurpose Cooperative Society Ltd., Quepem Goa for a further period of 1 year with retrospective effect from 06/01/2025 to 05/01/2026.

While submitting further proposals the society shall ensure that the proposals are submitted at least 1 month prior to the expiry of the term. The society shall also enclosed such proposal the progress report of the dedicated Registrar's Nominee for the previous term.

All other terms and conditions mentioned in the orders read above shall continue to remain in force. The Registrar reserves the right to withdraw this order at any stage without assigning any reason thereof.

Given under the seal of this office.

Kabir K. Shirgaonkar, Registrar of Cooperative Societies & Ex-Officio joint Secretary
(Co-operation), Govt. of Goa, Panaji, Goa.
Panaji, 20th March, 2025.



Notification

05/05/General Corresp./2024-2/Wing-I/CZ/North/RCS

Date: 22-Oct-2024

In exercise of the powers vested in me under Section 8 of the Goa Co-operative Societies Act, 2001, "MILROC COLINA PHASE II CO-OPERATIVE HOUSING SOCIETY LIMITED", PILLAR, GOA-VELHA - Goa is registered under code symbol No.:- RCSCZ2024250037

Arvind Bugde, Registrar of Co-operative Societies Government of Goa.
Panaji, 27th March, 2025.

Certificate of Registration

"MILROC COLINA PHASE II CO-OPERATIVE HOUSING SOCIETY LIMITED" , PILLAR, GOA-VELHA - Goa has been registered on 22/10/2024 and its bears registration Code symbol No. RCSCZ2024250037 and its classified as Co-operative Housing Society under sub-Classification No. 7-(b)-Co-partnership Housing Society in terms of rule 8 of the Goa Co-operative Rules, 2003.

Arvind Bugde, Registrar of Co-operative Societies Government of Goa.
Panaji, 27th March, 2025.



Department of Labour

Notification

28/02/2025-LAB/PART-II/214

Date: 26-Mar-2025

The following Award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 18/03/2025 in Case Ref. No. IT/01/2020 is hereby published as required under section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By Order and in the name of the Governor of Goa.

Amalia O. F. Pinto, Under Secretary (Labour).

**IN THE INDUSTRIAL TRIBUNAL AND LABOUR COURT
GOVERNMENT OF GOA AT PANAJI**

(BEFORE MRS. VIJAYALAXMI SHIVOLKAR, HON'BLE PRESIDING OFFICER)

Ref. No. IT/01/2020

Workmen Rep. by
The General Secretary,
Kadamba Kamgar Union,
BG-10, Ground Floor, Casa Immaculada,
Jose Falcao Road, Near Panjim Church,
Panaji-Goa.

..... Workmen/Party I

V/s

M/s. Kadamba Transport Corp. Ltd.
Praise-de-Goa, Near Tin Bldg
Porvorim-Goa.

..... Employer/Party II

Workmen/Party I represented by Learned Adv. Shri. A. Kundaikar.

Employer/Party II represented by Learned Adv. Shri P. Agrawal.

AWARD

(Delivered on this the 18th Day of the Month of March of the Year 2025)

By Order dated 16.12.2019, bearing No. 28/36/2019-LAB/832, the Government of Goa in exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), referred the existing dispute between M/s Kadamba Transport Corporation Limited and its workmen, for adjudication to the Industrial Tribunal of Goa at Panaji, Goa, constituted under section 7-A of the said Act. The Schedule of reference pertaining to charter of demands is as under:

SCHEDULE

(1) Whether the action of M/s Kadamba Transport Corporation Limited, Praise-de-Goa, Near Tin Building, Porvorim, Goa, in non-implementing the financial up-gradation under the Modified Assured Career Progression Scheme (MACP) and other consequential benefits to its workmen, Shri Martin Afonso, Shri Raju B. Tuenkar, Shri Prabhakar J. Tilve, Shri Santosh N. Naik and Shri Uttam D. Naik is legal and justified?

(2) If not, to what relief the workmen are entitled?"

2. Upon receipt of the reference, it was registered as IT/01/2020 and registered A/D notices were issued to both the Parties. Pursuant to service of notices, the Party I thereafter filed the Statement of Claim at Exhibit 3.

3. In their Statement of Claim Party I stated that the Party I filed Writ Petition bearing No. 759/19 whereby the Conciliation Officer was directed to send the Failure Report to the appropriate Government. The Government by its order No: 28/36/2019-LAB/832 dated 16.12.2019 was pleased to refer the industrial

dispute in exercise of powers conferred by clause (d) of Sub Section 10 of the Industrial Dispute Act for adjudication to the Industrial Tribunal constituted under section 7A of the Act.

4. The Party I stated that the workmen are the members of the KadambaKamgarUnion which is espousing the cause of the workmen in respect of the dispute in the implementation of Modified Assured Career Progression Scheme notionally and monetary. The party I states that the workmen raised the dispute in respect of the 15 workmen out of which the Conciliation Officer settled the dispute pertaining to some workmen which settlement is illegal and not in accordance with the provisions of Industrial Disputes Act. The workmen were deprived of the benefits of the extension of eligibility of the Modified Assured Progression Scheme.

5. The Party I states that the Scheme provides for up-gradation after twenty years of services and the condition precedent for eligibility of the Scheme is that the workmen must complete twenty years of service in the same posts. That on recommendation of Departmental Screening Committee, Shri Martin Alfonso, Heavy Vehicle Driver Emp. Code No. 2103 who had completed 20 years of service in the same grade pay is/was granted 2nd Up-gradation in the Pay Band of Rs.5200-20200+2800/- Grade pay with effect from 01.09.2014 vide order dated 15.07.2015. Similarly, the other two Workmen have been affected on account of non-implementation of the scheme.

6. The Party I states that on recommendation of the departmental screening committee, the workman was granted 2nd up-gradation in the pay of Rs.5200-20200+2800 under the Modified assured career progression scheme and basic pay was fixed notionally at Rs.10330+ Rs.2800 grade pay with effect from 01.09.2014 vide order dated 15.07.2015 and in terms of Circular dated 21.11.2000 the workman was granted Time bound promotional Scale of Rs.4000-100-6000/- with effect from 01.06.2001 and was designated as Driver TBPS by order dated 23.01.2003.

7. The Party I states that the workman was deprived of the financial u-gradation as required under the scheme and resisted the pay fixation of the pay scale. In accordance with the Modified Accelerated Progression Scheme there shall be three financial up-gradation under the Modified Accelerated Career Progression Scheme counted from the direct entry Grade on completion of 10-20-30 years of service respectively and financial up-gradation under the scheme will be admissible to whichever person who has spent 20 years of service in the same posts/Grade. The Party I was entitled for 2nd up-gradation in the Pay band.

8. The Party I states they were deprived of the benefits of the 2nd up-gradation despite of the eligibility in accordance with the modified assured Progression scheme only to victimize the Party I. It is therefore respectfully prayed to pass an award holding that the non-implementation of the 2nd up-gradation on completion of twenty years is illegal and direct the Party II to grant 2nd up-gradation in consonance with the Modified Assured Progression Scheme and release the monetary benefits attached from the date of eligibility.

9. In its Written Statement the Party II submits that the reference is not maintainable as the so called KadambaKamgar Union has no locus standi to raise the present dispute since there is no industrial dispute existing between the Parties as defined under Section 2 (k) of the Industrial Disputes Act, 1947 and hence the reference is bad as the workman has directly approached before this Tribunal without exhausting the other remedies available to them and as per the terms of memorandum of settlement dated 30.04.2010 agreed upon between the Management of the Party II and its Workmen and the same being applicable to the Party I workmen. Party II submits that the reference has been made by the Government of Goa without any material on record, in haste and without application of mind.

10. The Party II submits that the employees of the Party II are not the employees of the Government of Goa and the Government of India and since Party II being a separate legal entity altogether different from Government of Goa and Government of India, the service benefits being granted by the Government of Goa to its employees do not become automatically applicable to the employees of the Corporation. The employees of the Party II are governed by its own Certified Standing Orders. The Party II submits that the service conditions of the employees of the Party II are specified in the Certified Standing Orders of the Corporation and the Memorandum of Settlement drawn between the Management of the Party II and its Workmen from time to time.

11. The Party II submits that vide the Settlement dated 30/04/2010, it was agreed by the workmen/association that the demand of revision for wages stood conclusively settled and that they shall not raise any dispute in respect of the pay scales and allowances or any other demands involving additional financial liabilities except those items covered under the VIth Pay Commission recommendations and further agreed to bind themselves by the revised pay scales. The Party II submits that the recommendation of the

VithPay Commission which were extended to all the employees including the Party I workmen in terms of Memorandum of Settlement dated 30th April, 2010 under Section 12(3) read with Section 18(3) of the Industrial Disputes Act, 1947 and the arrears arising out of the VithPay Commission were payable as per the Settlement. The Party II submits that on merits, all the contents of the Statement of Claim are denied.

12. In its Rejoinder filed at Exhibit 8, the Party I has stated that the Managing Director has taken inconsistent pleas pertaining to the Office Memorandum which are part of the recommendation of the VithPay Commission. It is denied that KadambaKamgar Union has no locus standi to raise the present dispute. The present dispute was referred to the Hon'ble Tribunal at the intervention of the Hon'ble High Court. The workman reiterates that the contents of the Claim Statement and whatever contrary stated to set out the case by the workman are emphatically denied.

13. Considering the pleadings filed by both the Parties, following issues were framed by this Tribunal on 01.03.2021 at Exhibit 9.

ISSUES

1. Whether the Party I proves that the action of the Employer/Party II in non-implementing the IInd financial up-gradation under the Modified Assured Career Progression Scheme (MACP) and other consequential benefits to its workmen, Shri Martin Afonso, Shri. Raju B. Tuenkar, ShriPrabhakar J. Tilve, ShriSantosh N. Naik and Shri. Uttam D. Naik, is illegal and unjustified?
2. Whether Party II proves that reference is not maintainable as claim of Party I is not an 'Industrial Dispute' as defined under Section 2(k) of the IndustrialDisputes Act, 1947?
3. Whether Party II proves that the Union has a locus standi to raise the present dispute?
4. What Relief? What Award?

14. I have gone through the records i.e. the pleadings, the oral as well as documentary evidence adduced by both the Parties and considering the same my findings on the issues with reasons are as follows:

Issue No.1 : In the Affirmative

Issue No. 2 : In the Negative

Issue No.3 : In the Negative

Issue No.4 : As per final Order

REASONS

15. **Issue No 1:** The Modified Assured Career Progression Scheme (MACPS) was notified by the Government of India vide Office Memorandum dated 27/11/2012 which scheme was made applicable for the Central Government Civilian Employees. The said scheme was pursuant to the recommendations of the 6th Central Pay Commission which was accepted by the Government with the modification to grant 3 financial up-gradation under the MACPS at intervene of 10, 20 and 30 years of regular service. The scheme was made applicable to all regularly appointed Group A and B Central Government civilian employees except officers of organized Group "A" service. That as per Annexure-1, there shall be 3 financial up-gradation under the MACPS, counted from the direct entry grade on completion of 10 among 20 and 30 years of service respectively. Financial up-gradation under the scheme will be admissible whenever the person has spent 10 of service in the same Grade Pay.

16. The present reference arose because the Party II denied the Party I workmen the benefits of second up-gradation despite of eligibility in accordance with the Modified Assured Progression Scheme. The workman Shri Martin Afonso who was appointed as driver w.e.f. 01/09/1994 was eligible for 2nd up-gradation on 01/09/2014 in accordance with MACP Scheme he having completed of 20 years of service in the same grade. The workman, ShriPrabhakarTilve, was appointed as substitute driver since 08/09/1993, completed probation period of 6 months and was confirmed in service by Order dated 01/04/1999 and was granted 2nd up-gradation under the MACP scheme with notional basic pay w.e.f. 01/09/2014. Similarly, workman ShriUttam D. Naik, the driver was taken on probation w.e.f. 01/06/1989 and was granted time bound promotional scheme by order

dated 23/01/2023. That in terms of provisions in Rule 10 (f) of CCS (rp) Rules, 2008, it was resolved that there will be uniform date of annual increment i.e. 1st of July every year where employees completing 6 months and above and for those employees of whom the next date of increment was between 01/07/2006 to 01/01/2007.

17. The Party I however was deprived of the financial up-gradation as required under the scheme as such the dispute was raised due to anomaly and pay fixation. In the Written Statement the Party II did not dispute the eligibility of these workmen in terms of the scheme but it is their contention that the scheme is not applicable to Party I because they are not the employees of the Govt. of Goa and Govt. of India. The objection of the Party II to the claim of the Party I is that vide the settlement dated 30/04/2010, it was agreed by the workmen/association that the demand of revision for wages stood conclusively settled and that they shall not raise any dispute in respect of the pay scales and allowances or any other demands involving additional financial liabilities except those items covered under the VIth Pay Commission recommendation and further agreed to bind themselves by the revised pay scales.

18. The attention of this Tribunal has been drawn to the observation made by Hon'ble High Court in the Writ Petition No. 759 of 2019 wherein the attention of the Lordships was drawn to its order dated 03/10/2019 in Writ Petition on 114 of 2019 where by the statement made by Ld. Adv. General that clause 2 (4) of the Circular dated 27/11/2017 will not apply and on that basis directions were issued to respondent 2 to extend benefits of recommendation of 7th pay commission. Considering the above submissions on behalf of the workmen the Hon'ble high Court held "such benefits no doubt will have to be extended on the basis on the current pay scale as may be applicable to the petition in this case. In the light of above observation the objections of the Party II does not survive. Consequently, the action of the Party II in non-implementing the second financial under modified MACPS scheme to the workmen under the present reference cannot be said to be held to be legal and justified. The Party I, therefore, has been able to show that such an action of non-implementation of second financial up-gradation by Party II is illegal and unjustified and hence the issue No. 1 stands answered in the affirmative.

19. Issue No 2: In the case of *Municipal Corporation Of Delhi vs Sandeep Yadav And Ors* on "The Supreme Court in the judgment of *Hochtief Gammon v/s Industrial Tribunal, Bhubaneswar* 26 opined that *Labour Courts are Courts with limited jurisdictions and cannot travel beyond the terms of reference. The relevant paragraph is as follows:*

"7. In dealing with this question, it is necessary to bear in mind one essential fact, and that is that the Industrial Tribunal is a Tribunal of limited jurisdiction. Its jurisdiction is to try an industrial dispute referred to it for its adjudication by the appropriate Government by an order of reference passed under Section 10. It is not open to the Tribunal to travel materially beyond the terms of reference, for it is well-settled that the terms of reference determine the scope of its power and jurisdiction from case to case."

In the judgment of National Engineering Industries Limited Vs. State of Rajasthan and Ors 27, it was held that the Industrial Tribunal is a creation of a statute and it gets jurisdiction on the basis of reference. It cannot go into the question on validity of the reference. The Tribunal's role is to adjudicate upon the matters specifically referred to it and does not possess the authority to decide on issues outside the scope of the reference. It must confine its adjudication to the terms of the reference and cannot expand or alter the scope of the dispute referred to it.

The Bombay High Court in the case of Ashok U. Nikam vs. Tata Power Company Ltd. 28, opined that the Labour Court cannot travel beyond the terms of reference. The relevant paragraph is as follows:

"3. In case of a reference under Section 10 of the Industrial Disputes Act, the Labour Court is not empowered to travel beyond the terms of reference. Either it must be shown that it is a specific term of reference on which the particular relief is claimed before the Court or that consideration of such matter is incidental to the terms of reference and the reliefs claimed thereupon. Unless that is shown, the Industrial Court cannot go into the question. In this case, as I have noted above, the question whether on the date of his last termination, the employee was a permanent employee of the Respondent by virtue of any previous engagement cannot be considered as an incidental matter having regard to the terms of reference. The question to be considered by the Court was whether the employee proved 240 days of continuous service in a period of twelve months preceding his last termination."

20. The Party II has raised preliminary objection of no industrial dispute between the parties as defined under Section 2A. It is Party II's own case i.e. Party II/M/s Kadamba Transport Corporation Ltd. is a Government Company registered under Section 617 of the Companies Act, 1956. It is Party II's further case

that the Party I/Workmen are not the employees of the Govt. of Goa and Govt. of India. It is a matter of record that the dispute in the present reference has been referred to this Tribunal by way of order of reference by the Govt. of Goa. The pleadings in the present statement are contrary to the objections raised. Moreover there are no specific pleading as to why Party II claimed that there is no industrial dispute as defined under section 2K of the Industrial Disputes Act, 1947. The objections above are not supported by valid pleading therefore taken into consideration the observation in the Citation of In the case of **Municipal Corporation Of Delhi vsSandeepYadav–(Supra)** this Tribunal holds that the Party II has failed to prove that the present reference is not maintainable hence the same stand answered in the negative.

21. **Issue No.3:**In the Written Statement among others, the Party II has also raised preliminary objection about the locus standi of KadambaKamgar Union. The burden to prove this issue therefore was on the Party II. The Party II however did not adduce any cogent evidence to substantiate their stand in order to prove their preliminary objection of KadambaKamgar Union having no locus standi to the issue of Party I workman. On the other hand, the Party I workman has examined their witness ShriShivajiDessai who has categorically stated that he is the member of KadambaKamagar Union and also the executive member of KadambaKamgar Union, Panaji who is espousing the cause of the workmen in non-implementing second financial up-gradation under the Modified Assured Progression Scheme. The Party II could not prove anything contrary to the above to show that the Union has no locus standi raised in the present dispute, hence this issue stands answered in the negative.

22. The present reference is for adjudication of the dispute between the Party I and Party II whereby in the claim statement, Party I prays for passing of an award to hold that the non-implementation of second up-gradation on completion of 20 years is illegal and further seeks direction to the employer to grant the second up-gradation in consonance with the Modified Assured Progression Scheme and release the monetary benefits attached to from the date of eligibility. ShriShivajiDessai, the witness of the Party I in his cross examination has stated that he was given benefit of MACPS prior to his retirement as per the MACPS orders. ShriVibhavKelkar, witness examined by the Party II stated that MACPS arrears totalling to Rs.3,48,42,082/- in bulk by bank transfer vide Cheque No.258713 dated 04/04/2016 were paid in the respective salary account of the eligible employees which employees include the Workmen referred in the present reference. It is the contention of the Party II that the Party I in their written submission filed is now trying to enhance their claim by embarking on roving fishing inquiry with a hope to set up new claim. That having realized that the Party II has already granted second up-gradation to the workmen and having paid all the arrears to its employees, the Party I is now making an attempt to claim second up-gradation of the Employee ShriPrabhakarTilve from the date of his engagement on daily wages. Hence it is submitted that the above claim of the Party I for extending the benefit of Second up-gradation ShriPrabhakarTilve is unreasonable and cannot be sustained.

23. There has been clear admissions on the part of the witness examined by the Party I ShriShivajiDessai the Ex-employee of the Party II as well as the witness examined by the Party II ShriVibhavkelkar, the Accountant of Party II that as per the statement at Exhibit 35 the arrears of amount has been paid to all 5 employees which include the 3 employees under the reference by depositing the same in their respective bank accounts. Therefore the fact of the payment of MACParrears is not disputed however, it is the contention of the Party I/Workmen that in terms of Clause 12 of the MACPS the date of eligibility for extension of MACP benefits from the date of original appointment and not from the date of probation. Further the upgradation also has to be in terms of Clause-12 of the MACP scheme. Accordingly eligibility for the extension shall be from the date of joining and not from the date of probation. Further it is submitted that the MACP benefit should be made applicable to the Workmen from the date of joining on daily wages and that the same should be implemented from the date of work charged employees as the order of appointment of the Workmen referred in the present reference was as a substitute driver on daily wages owing to the temporally increase in work which is akin to the term work charged used in clause 12. Therefore it is the contention of the Party I that the stand taken by the Party II since the arrears are paid therefore the reference is not maintainable need to be brushed aside and that this Tribunal is required to adjudicate upon the eligibility and the date of applicability of the MACP scheme to the Workmen under the present reference. Though the amount has been credited in the Employee's salary Account however there is no specific order granting such benefit to the employees under the reference consequently one does not know since which date MACP scheme has been made applicable to the Employees under this reference. Therefore no prejudice would be caused to the management if they issue an order in writing in respect of each employee under the reference mentioning therein the date since when such benefit has been extended along with the calculation of the arrears paid and the balance if any due to them.

Hence the following Award:

AWARD

- i. It is therefore held that the non-implementation of 2nd up-gradation on completion of 20 years by the Party II/Employer in consonance with the Modified Assured Career Progression Scheme (MACP) is illegal.
- ii. Consequently, the Party I is entitled for grant of monetary benefits from the date of eligibility and other consequential benefits attached to the second financial up-gradation.
- iii. No Order as to Costs.
- iv. Inform the Government accordingly.

Vijayalaxmi Shivolkar, Presiding Officer, Industrial Tribunal cum Labour Court.

Panaji, 18th March, 2025.

**Directorate of Mines & Geology****Order**

01/33/2015/SO-Promotion/Mines/3645

Date: 06-Mar-2025

Read: 1. No. 01/33/2015/SO-Promotion/Mines/3645 dated 06-Mar-2025.

On the recommendation of the Departmental Promotion Committee as conveyed by Goa Public Service Commission (GPSC) vide letter No.COM/II/11/25(1)/2025/440 dated 3rd March, 2025, the Government of Goa is pleased to promote Shri Snehal Madan Sangelkar to the post of **Surveying Officer** (Group “B” Gazetted) against the newly created post vide Order No.01/40/2024/Adm/Mines/3314 dated 07/02/2025 in Pay Level 7 (Pre-revised Rs.9300-34800, Level-7) in the Directorate of Mines & Geology with immediate effect.

He shall be on probation for a period of two years.

The Expenditure on pay and allowances is debited to the Budget Head as under:

2853 – Non-Ferrous Mining and Metallurgical Industries;

02 – Regulation and Development of Mines;

001 – Direction & Administration;

01 – Mines Development (NP);

01 – Salaries.

He shall exercise option for fixation of his pay in terms of F.R 22(I)(a)(1) within a period of one month from the date of promotion. The option once exercised shall be final.

By Order & in the name of the Governor of Goa.

Narayan M. Gad, Director of Mines & Geology/Ex-Officio Jt. Secretary to the Government of Goa.

**Order**

No. 01/12/2019/Confirmation-B/ADM/Mines/3652

Date: 06-Mar-2025

Read: 1. No. No. 01/12/2019/Confirmation-B/ADM/Mines/3652 dated 06-Mar-2025.

On the recommendation of the Goa Public Service Commission (GPSC) as conveyed vide its letter No.COM/II/12/25(1)/2024/382 dated 24th January, 2025, the Government of Goa is pleased to declare the following Officers to have satisfactorily completed their probation period and confirm them in the post of **Geologist** Group “B” Gazetted in the Directorate of Mines & Geology with effect from the date of their completion of probation period indicated against the names:-

Sr. No.	Name & Designation of the Officer	Date of Joining regular service as Geologist	Date of Completion of Probation period
1	Shri Jeetendra M. Velusker, Geologist	12/06/2020	11/06/2022
2	Shri Sanford Fritz Mascarenhas, Geologist	26/10/2021	25/10/2023
3	Shri Omkar Rama Naik Goankar, Geologist	26/10/2021	25/10/2023

This is issued with the approval of the Government vide U.O. No.9127/F dated 18/02/2025.

By Order & in the name of the Governor of Goa.

Narayan M. Gad, Director of Mines & Geology/Ex-Officio Jt. Secretary to the Government of Goa.



Department of Personnel

Order

5/3/2025-PER/729

Date: 10-Mar-2025

Shri Laxmikant R. Dessai, Chief Officer, Quepem Municipal Council holding additional charge of Forest Settlement Officer, South shall also hold the charge of Chief Officer, Canacona Municipal Council in addition to his own duties, in public interest, with immediate effect.

This issues on the recommendation of the Goa Services Board.

By Order and in the name of the Governor of Goa.

Raghuraj A. Faldesai, Under Secretary (Personnel-I).



Order

6/5/2023-PER/841

Date: 21-Mar-2025

Shri Kabir Shirgaonkar, Registrar of Co-operative Societies holding additional charge of Director, Information Technology shall also hold the charge of Managing Director, Goa Information Technology Development Corporation in addition to his own duties, with immediate effect.

This issues on the recommendation of the Goa Services Board.

By Order and in the name of the Governor of Goa.

Raghuraj A. Faldesai, Under Secretary (Personnel-I).

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Order

22/13/2018-PER/860

Date: 24-Mar-2025

In exercise of the powers conferred under Rule 42, of the Goa Police Service Rules, 2022 (hereinafter to be called as said Rules), notified vide Notification No. 22/2/2015-PER dated 24/05/2022, published in the Official Gazette Series I No. 8 dated 26/05/2022, the Government, in consultation with the Goa Public Service Commission, hereby relaxes Rule 31 and 37 of the said Rules, to grant relaxation in qualifying service to the following Senior Scale Officers (Superintendent of Police) of Goa Police Service as mentioned against their names for appointment to the Junior Administrative Grade by considering the crucial date of eligibility for non-functional upgradation from the date of completion of the requisite service, instead of 1st April, 2027 as provided under Rule 37, of the said Rules:-

Sr. No.	Sr. No. as per Seniority List issued vide Order No. 22/3/2010-PER/1687 dated 06/06/2023	Name of the Officer	Date of eligibility as per crucial date	Relaxation in qualifying service granted for promotion to the post of Junior Administrative Grade as on 1st April 2027
1	1	Shri Gurudas N. Gawade (ST)	01/04/2027	02 years 01 month 11 days
2	2	Shri Edwin M. S. Colaco (ST)	01/04/2027	02 years 01 month 11 days
3	4	Smt. Sucheta B. Dessai	01/04/2027	02 years 01 month 11 days
4	5	Smt. Ezilda D'Souza	01/04/2027	02 years 01 month 11 days
5	6	Smt. Sunita Sawant	01/04/2027	02 years 01 month 11 days
6	7	Shri Rajendra V. R. Dessai	01/04/2027	02 years 01 month 11 days
7	8	Shri Dharmesh G. P. Angle	01/04/2027	02 years 01 month 11 days
8	9	Shri Kiran J. Poduval	01/04/2027	02 years 01 month 11 days

This issues with the approval of the Goa Public Service Commission conveyed vide letter No. COM/II/11/37(1)/2007/1844 dated 28/02/2025.

By Order and in the name of the Governor of Goa.

Raghuraj A. Faldesai, Under Secretary (Personnel-II).

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Department of Public Health

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Order

31/11/2005-I/PHD/Part/412

Date: 24-Mar-2025

In terms of new guidelines of Ministry of Health & Family Welfare, Government of India, New Delhi, Government is pleased to constitute Executive Committee of Rogi Kalyan Samiti (RKS) Committee for the

Community Health Centre, Bicholim under Directorate of Health Services, Campal, Panaji-Goa, comprising of the following members as under:

Sr. No.	Members	Designation
1.	Dy. Collector, Bicholim Block	Chairperson
2.	Health Officer, CHC Bicholim	Member Secretary
3.	AYUSH Medical Officer, CHC Bicholim	Member
4.	BDO, Bicholim Block	Member
5.	ICDS, Bicholim Block	Member
6.	Block Level ADEI	Member
7.	Block Engineer, PWD, Water Supply	Member
8.	Shri. Sagar Shetye (Prominent Citizen)	Member
9.	Shri. Satish Gaonkar (Civil Society Representative)	Member
10.	Block Officer, Social Welfare	Member
11.	Headmistress/Headmaster of Shri Shantadurga High School, Bicholim.	Member

The terms of reference of the said Committee shall be as under:

1. Meetings of the Executive Committee shall be conveyed by the Member Secretary by giving clear seven days notice in writing along with the agenda specifying the business to be transacted, the date, time and value of the meeting.
2. The Executive Committee will meet at least once in two months.
3. The quorum will be 50% members. The presence of the Chairperson will be essential.
4. Executive Committee will implement the decisions taken by the Governing Body and will function within its powers.
5. The minutes of the Executive Committee meeting will also be communicated to the members of Governing Body.
6. Executive Committee can delegate some of its financial powers to the Members Secretary.

By Order and in the name of the Governor of Goa.

Dr. Pooja M. Madkaikar, Under Secretary (Health-II).

Porvorim, 24th March, 2025.



Order

31/11/2005-I/PHD/414

Date: 24-Mar-2025

In terms of new guidelines of Ministry of Health & Family Welfare Government of India, New Delhi, Government is pleased to constitute a Governing Body of Rogi Kalyan Samiti (RKS) Committee for the Community Health Centre, Bicholim under Directorate of Health Services, Campal Panaji-Goa, comprising of the following members as under:

Sr. No.	Members	Designation
1.	Dy. Collector, Bicholim Block	Chairperson

2.	Health Officer, CHC Bicholim	Member Secretary
3.	AYUSH Medical Officer, CHC Bicholim	Member
4.	BDO, Bicholim Block	Member
5.	ICDS, Bicholim Block	Member
6.	Block Level ADEI	Member
7.	Block Engineer, PWD, Water Supply	Member
8.	Shri. Sagar Shetye (Prominent Citizen)	Member
9.	Shri. Satish Gaonkar (Civil Society Representative)	Member
10.	Block Officer, Social Welfare	Member
11.	Headmistress/Headmaster of Shri Shantadurga High School, Bicholim.	Member

The terms of reference of the said Committee shall be as under:

1. The Governing Body will have full control of the affairs of the society and will have the authority to exercise and perform all the powers, acts and deeds of the society consistent with the aims and objects of the society.
2. The Governing body shall take policy decisions related to overall functioning of the RKS which would be implemented by Executive Committee of RKS.
3. The Governing Body shall review income & expenditure statements, consider the annual budget and the annual action plan of the committee, subsequent alterations placed before it and pass it with such modification as the Governing Body may think fit.
4. The Governing Body shall monitor the financial position of the society in order to ensure smooth funds utilization and review annual audited accounts.
5. The Governing Body shall review compliance to Indian Public Health Standards (IPHS) and performance of public Grievance Redressal at facility level. It will also review compliance to standards & protocols and reports of the monitoring committees on quality assurance.
6. The Governing Body shall consider & approval financial proposals that are beyond the powers of the Executive Committee, i.e over Rs.5.00 lakhs at the Community Health Centre.
7. The Governing Body shall have powers to engage chartered accountant for audit purposes for a period not exceeding three years.
8. The Governing Body shall meet at least once in quarter.

By Order and in the name of the Governor of Goa.

Dr. Pooja M. Madkaikar, Under Secretary (Health-II).

Porvorim, 24th March, 2025.